

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

DAVONTAE ROSS,
TIMOTHY LUCAS,
STARMANIE JACKSON,
KUSHAWN MOORE, JR., a minor
by his parent and next friend,
KUSHAWN MOORE, SR.,
ASIA DIXON,
KEITH WILSON, and
KATRINA GARDNER,

On behalf of themselves and all
others similarly situated,

Plaintiffs,

v.

Case 2:19-cv-11076-LJM-EAS

Honorable Laurie J. Michelson
Magistrate Judge Elizabeth A. Stafford

Hon. NANCY M. BLOUNT, in her
official capacity as Chief Judge of
Michigan's 36th District Court;
BARI BLAKE WOOD,
MILLICENT D. SHERMAN,
LAURA A. ECHARTEA,
DAWN WHITE, and
JEFFREY KLEPAREK, in their
official capacities as Magistrates of
Michigan's 36th District Court; and
BENNY N. NAPOLEON, in his
official capacity as Sheriff of Wayne
County, Michigan,

Defendants.

**STIPULATED ORDER REGARDING CHANGE IN COMPOSITION OF
MICHIGAN’S 36TH DISTRICT COURT AND CORRESPONDING
AMENDMENT TO CASE CAPTION AND CASE DOCKET**

This matter having come before the Court upon the stipulation of the Plaintiffs, Judicial Defendants (defined below), and Sheriff Defendant (defined below) through their respective counsel, hereby stipulate and agree as follows:

1. On April 14, 2019, Plaintiffs filed this action naming the “Hon. NANCY M. BLOUNT, in her official capacity as Chief Judge of Michigan’s 36th District Court, BARI BLAKE WOOD, MILLICENT D. SHERMAN, LAURA A. ECHARTEA, DAWN WHITE, and JEFFREY KLEPAREK, in their official capacities as Magistrates of Michigan’s 36th District Court,” and “BENNY N. NAPOLEON, in his official capacity as Sheriff of Wayne County, Michigan” (“Sheriff Defendant”) as defendants. (DE 1, Class Action Complaint, PageID#1).

2. On August 23, 2019, the action was stayed “to allow time for discussions between the parties aimed at reaching a mutually agreeable resolution of this matter.” (DE 34, Stipulated Order Regarding Stay of Case, PageID#770).

3. On November 22, 2019, the Honorable William C. McConico was appointed Chief Judge of Michigan’s 36th District Court effective January 1, 2020.

4. Effective January 1, 2020, Magistrate Millicent D. Sherman was appointed Chief Magistrate of Michigan’s 36th District Court, and former Chief Magistrate Bari Blake Wood transitioned to a magistrate position. Magistrate Bari

Blake Wood was subsequently removed from the magistrate position and is no longer employed at the 36th District Court.

5. Pursuant to Local Administrative Order 2020-01, Magistrate Malaika Ramsey-Heath was appointed to the magistrate position formerly held by Bari Blake Wood.

6. Pursuant to Local Administrative Order 2020-02, Magistrate Joseph Boyer was appointed to a magistrate position that was vacant at the time Plaintiffs filed this action.

7. Under Fed. R. Civ. P. 25(d), when a “public officer who is a party . . . ceases to hold office while the action is pending,” the “officer’s successor is automatically substituted as a party.” Relatedly, Fed. R. Civ. P. 17(d) provides, in part, that a “public officer who sues or is sued in an official capacity may be designated by official title rather than by name[.]”

8. Based on Fed. R. Civ. P. 25(d), the “official capacity” nature of this lawsuit, and the terms of this stipulated order, the parties stipulate and agree that the Honorable Chief Judge William C. McConico is “automatically substituted as a party,” in his official capacity, for former Chief Judge Nancy M. Blount and that Magistrate Malaika Ramsey-Heath is “automatically substituted as a party,” in her official capacity, for former Magistrate Bari Blake Wood.

9. Based on the “official capacity” nature of this lawsuit and the terms of this stipulated order, the parties also stipulate and agree that Magistrate Joseph Boyer is automatically substituted as a party, in his official capacity, based on occupying a magistrate position that was vacant at the time Plaintiffs filed their lawsuit.

10. Based on Fed. R. Civ. P. 17(d) and the “official capacity” nature of this lawsuit, the parties stipulate and agree that the case caption shall designate the Judicial Defendants by their “official titles” only and “Judicial Defendants” means: Honorable CHIEF JUDGE OF MICHIGAN’S 36TH DISTRICT COURT, in his official capacity as Chief Judge of Michigan’s 36th District Court and MAGISTRATES OF MICHIGAN’S 36TH DISTRICT COURT, in their official capacities as Magistrates of Michigan’s 36th District Court.

11. Based on Fed. R. Civ. P. 17(d) and the “official capacity” nature of this lawsuit, the parties stipulate and agree that the case caption shall designate the Wayne County Sheriff by his “official title” only and “Sheriff Defendant” means: WAYNE COUNTY SHERIFF, in his official capacity as Sheriff of Wayne County, Michigan.

12. The case caption shall state:

DAVONTAE ROSS, TIMOTHY
LUCAS, STARMANIE JACKSON,
KUSHAWN MOORE, JR., a minor,
by his parent and next friend,
KUSHAWN MOORE, SR., ASIA
DIXON, KEITH WILSON, and
KATRINA GARDNER,

On behalf of themselves and all
others similarly situated,

Plaintiffs,

v.

Honorable CHIEF JUDGE OF MICHIGAN'S
36TH DISTRICT COURT, in his official capacity
as Chief Judge of Michigan's 36th District Court;
MAGISTRATES OF MICHIGAN'S 36TH DISTRICT
COURT, in their official capacities as Magistrates of
Michigan's 36th District Court; and
WAYNE COUNTY SHERIFF, in his
official capacity as Sheriff of Wayne
County, Michigan,

Defendants.

13. The Judicial Defendants reserve the right to raise any and all defenses that may exist as a result of any change in the composition of the 36th District Court, but agree not to raise as a basis for dismissal the omission from the case caption and case docket of the actual names of the Judicial Defendants currently holding the positions subject to Plaintiffs' lawsuit. Specifically, the Judicial Defendants waive any potential Eleventh Amendment Sovereign Immunity defense that could be raised

as a result of the change to the case caption and case docket based on the omission of the actual names of the Judicial Defendants currently holding the positions subject to Plaintiffs' lawsuit resulting from this stipulation.

14. The Sheriff Defendant agrees not to raise as a basis for dismissal the omission from the case caption and case docket of his actual name. Specifically, the Sheriff Defendant waives any potential Eleventh Amendment Sovereign Immunity defense that could be raised as a result of the change to the case caption and case docket based on the omission of his actual name resulting from this stipulation.

15. The parties stipulate and agree that this stipulated order to amend the case caption and case docket does not impact the stay and, accordingly, this action remains stayed pursuant to the August 23, 2019 Stipulated Order Regarding Stay of Case. (DE 34, Stipulated Order Regarding Stay of Case).

16. The Clerk of the Court is directed to amend the official case caption and case docket in accordance with the above.

IT IS SO ORDERED.

Dated: May 29, 2020

s/Laurie J. Michelson
LAURIE J. MICHELSON
UNITED STATES DISTRICT JUDGE

We hereby stipulate to entry of the foregoing Order

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UNION FUND OF MICHIGAN

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